IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 16167 of 2004

Between:

K.Shyam, S/o Late Lakshmi Kanth,
R/o 1-10-125/0, Allam Torabai, Begumpet, Balanagar Mandal,
Ranga Reddy District

..... PETITIONER

AND

1 Government of A.P.Rep.by its Prl.Secretary, Social Welfare (CV.2) Department, A.P.Secretariat, Hyderabad
2 The District Collector, Ranga Reddy District at Lakdikapool, Hyderabad
3 The Mandal Revenue Officer, Balanagar Mandal, Rangareddy District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or Order of direction more particularly one in the nature of Writ of Mandamus declaring government Memo No.8508/CV.2/2004-1 dated 28-08-2004 of the 1st respondent as highly illegal, arbitrary, unjust and against the Principles of Natural Justice and the consequently set aside the same.

Counsel for the Petitioner:MR.D.V.NAGARJUNA BABU

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following Order:

Against the order of the second respondent-District Collector, Ranga Reddy District, dated
08-03-2004 cancelling the caste certificate, which was issued in favour of the petitioner stating that he belongs to “Yanadi” S.T. community, the petitioner preferred an appeal before the first respondent-Principal Secretary, Government of Andhra Pradesh, Social Welfare Department, Hyderabad stating that the copy of the said order was served on his counsel on 13-08-2004 and the appeal filed by him is within the time but the same was rejected through memo No.8508/CV.2/2004-1, dated 28-08-2004 stating that the appeal petition filed by the petitioner is time barred since it was not filed within the prescribed time limit of 30 days from the date of receipt of the order of the second respondent. Questioning the correctness of the said memo, the present writ petition is filed.

To know on what date a copy of the order passed by the second respondent was served on the petitioner, the learned Government Pleader for revenue appearing for the respondents was called upon to produce the records before the Court.

The record produced by the Government Pleader for revenue appearing for the respondents from the Office of the second respondent in file No.C2/2887/2001, dated 18-03-2004 shows that the draft impugned order dated 08-03-2004 was on page No.207 whereas it was signed by the second respondent on 04-03-2004 with a direction to the third respondent-Mandal Revenue Officer, Balanagar, Ranga Reddy District, to serve a copy of the said order on the petitioner and return the

served copy to the file and accordingly, the same was despatched on 19-03-2004.

In view of the fact that in the absence of any evidence for return of service of the said order by the third respondent, this Court is handicapped to come to a conclusion that on what date the order dated 08-03-2004 was served on the petitioner or his counsel, which leads to rejection of appeal as time-barred by the first respondent. Accordingly, the impugned memo is liable to be set aside.

In view of the same, the impugned memo is set aside and the first respondent is hereby directed to accept the appeal filed by the petitioner and after calling for the records including that of service of order dated 08-03-2004 from the second respondent, necessary orders shall be passed in accordance with law.

The writ petition is accordingly allowed. No costs.

15th SEPTEMBER, 2004.

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To

1 The Principal Secretary, Government of A.P., Social Welfare (CV.2) Department, A.P.Secretariat, Hyderabad
2 The District Collector, Ranga Reddy District at Lakdikapool, Hyderabad
3 The Mandal Revenue Officer, Balanagar Mandal, Rangareddy District

4 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad.(OUT)
5 Two CD copies.